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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,659	09/08/2003	Edward F. Andrewlavage JR.	ADP-167.1	2175
23520	7590	11/03/2006	EXAMINER	
<b>MAURICE M KLEE</b> 1951 BURR STREET FAIRFIELD, CT 06824				NGUYEN, PHONG H
		ART UNIT		PAPER NUMBER
3724				

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/657,659	ANDREW LAVAGE, EDWARD F.
	Examiner	Art Unit
	Phong H. Nguyen	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 March 2006 and 19 April 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-4, 8 and 10-16 is/are allowed.
- 6) Claim(s) 5, 6 and 9 is/are rejected.
- 7) Claim(s) 7 and 16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 5, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dryon.

Regarding claims 5 and 9, Dryon teaches a method for separating a pane of a brittle material from a moving sheet of material comprising the steps of:

- (a) releasably engaging the moving ribbon 21 within an area defined by the to-be-separated-pane (belts 8, 9);
- (b) rotating the to-be-separated-pane 37 about an axis which substantially coincides with the separation line (at the location where belt assembly 4 and 7 meet); and
- (c) moving the separated pane 37 relative to the moving sheet by using spring force (spring 32 pulls the pane 37 down from an inclined surface to a horizontal surface).

Regarding claim 6, gravity force plays a part of pulling the pane 37 down from an inclined surface to a horizontal surface.

### ***Allowable Subject Matter***

3. Claims 1-4, 8, and 10-15 are allowed.

4. Claims 7 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed on 09/01/2006 have been fully considered but they are not persuasive.

The Applicant argues that element 21 is not a ribbon since element 21 no longer exists at the end of the process and it does not move continuously before, during and after steps (a), (b), and (c). This argument is not persuasive.

After the first pane 37 is removed from the ribbon 21, the ribbon 21 still exists. Therefore, the Applicant's argument is not persuasive.

Dryon clearly teaches the ribbon 21 moving continuously before, during and after steps (a), (b), and (c). As shown in Fig. 3, the ribbon 21 is moving when the first pane 37 is engaged by the belts (8 and 9). Therefore, Dryon anticipates step (a). As the first pane 37 is separated from the ribbon 21 at the spindle 11 and the belts (8 and 9), the conveyors (5 and 6) continuously feed the ribbon into the spindle 11 and the belts (8 and 9). Therefore, Dryon anticipates step (b). After the first pane 37 is separated and moved out, the conveyors (5 and 6) continuously feed the ribbon into the spindle 11 and the belts (8 and 9) for separating the second pane from the ribbon. Therefore, Dryon anticipates step (c).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

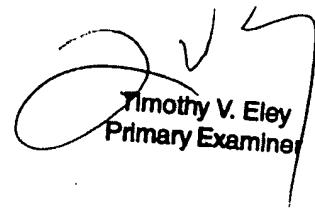
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pm*

October 25, 2006



Timothy V. Eley  
Primary Examiner